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7 Attorneys for CENTEX HOMES

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 CENTEX HOMES, a Nevada general
12 partnership,

13 Plaintiff,

14 v.

15 FINANCIAL PACIFIC INSURANCE
16 COMPANY, a California corporation; FIRST
17 SPECIALTY INSURANCE
18 CORPORATION, a Missouri corporation
19 GREENWICH INSURANCE COMPANY, a
20 Connecticut corporation; INTERSTATE
21 FIRE & CASUALTY COMPANY, an Illinois
22 corporation; LEXINGTON INSURANCE
23 COMPANY, a Delaware corporation;
24 NAVIGATORS SPECIALTY INSURANCE
25 COMPANY, a New York corporation;
26 SCOTTSDALE INDEMNITY COMPANY,
an Ohio corporation; ST. PAUL FIRE &
MARINE INSURANCE COMPANY, a
Connecticut corporation; NATIONAL FIRE
& MARINE INSURANCE COMPANY, a
Nebraska corporation; IRONSHORE
SPECIALTY INSURANCE COMPANY, an
Arizona corporation; and ZURICH
AMERICAN INSURANCE COMPANY, a
New York corporation,

27 Defendants.
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Case No.: 2:19-cv-01034-JCM-DJA

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
DEADLINES**

(First Request)

1 Plaintiff Centex Homes (“Centex”) and Defendants Financial Pacific Insurance Company
2 (“Financial Pacific”), First Specialty Insurance Corporation (“First Specialty”), Greenwich
3 Insurance Company (“Greenwich”), Interstate Fire & Casualty Company (“Interstate”), Lexington
4 Insurance Company (“Lexington”), Navigators Specialty Insurance Company (“Navigators”),
5 Scottsdale Indemnity Company (“Scottsdale”), St. Paul Fire & Marine Insurance Company (“St.
6 Paul”), National Fire & Marine Insurance Company (“National Fire”), Ironshore Specialty
7 Insurance Company (“Ironshore”), and Zurich American Insurance Company (“Zurich” and
8 together with Financial Pacific, First Specialty, Greenwich, Interstate, Lexington, Navigators,
9 Scottsdale, St. Paul, National Fire, and Ironshore, the “Defendants”), by and through their
10 respective counsel of record, hereby stipulate to extend certain deadlines within the Scheduling
11 Order entered by this Court on October 3, 2019 by sixty (60) days pursuant to LR 26-4. (ECF No.
12 52). This is the first stipulation to extend discovery deadlines.

13 Centex and Defendants (together, the “Parties”) require additional time for discovery
14 because they have made significant progress towards settlement since their mediation on April 29,
15 2020. The Parties want to continue to try to resolve the case informally without incurring expert
16 costs. Centex has settled with Interstate, National Fire, Greenwich, and Ironshore, and has had
17 meaningful settlement negotiations with the remaining parties. The Parties’ expert reports are due
18 on August 17, 2020; however, the Parties do not want to expend resources that could be used for
19 settlement on preparing expert reports in light of the progress they have made with regard to
20 settlement negotiations.

21 Good cause exists for the requested extension. The Parties have been diligent in
22 performing discovery to date; however, because the Parties have shifted their focus to settlement,
23 the Parties seek an extension to avoid expending the significant costs associated with expert
24 reports. The Parties hope to have this matter completely resolved within the next sixty (60) days.
25 This Stipulation is submitted more than twenty-one (21) days before the expiration of the first
26 deadline that parties stipulate to continue: The expert disclosure deadline, which is currently
27 August 17, 2020.

1 **1. Discovery That Has Been Completed**

2 The Parties have completed the following discovery:

- 3 • National Fire served its initial disclosures on October 29, 2019;
- 4 • Centex, Financial Pacific, First Specialty, and Lexington served initial disclosures on
- 5 October 30, 2019;
- 6 • St. Paul served requests for production on Centex dated October 30, 2019;
- 7 • St. Paul served its initial disclosures on October 31, 2019;
- 8 • Greenwich served its initial disclosures on November 8, 2019;
- 9 • Ironshore served its initial disclosures on November 14, 2019;
- 10 • Centex served its responses to St. Paul's requests for production on January 15, 2020;
- 11 • Navigators provided its initial disclosures on February 18, 2020;
- 12 • Centex served requests for admission, requests for production and interrogatories on
- 13 Financial Pacific, First Specialty, National Fire, and Navigators on March 3, 2020;
- 14 • Centex served Lexington with requests for admission, requests for production, and
- 15 interrogatories on March 4, 2020;
- 16 • Centex served requests for admission, requests for production and interrogatories on
- 17 Greenwich and St. Paul on March 6, 2020;
- 18 • Centex served requests for admission, requests for production and interrogatories on
- 19 Ironshore on March 11, 2020;
- 20 • Centex served requests for production on Scottsdale and requests for admission,
- 21 requests for production and interrogatories on Zurich on March 25, 2020;
- 22 • First Specialty responded to Centex's requests for admission, requests for production
- 23 and interrogatories on April 1, 2020;
- 24 • St. Paul and Greenwich responded to Centex's requests for admission, requests for
- 25 production and interrogatories to each of them on April 7, 2020;
- 26 • Zurich served its initial disclosures on April 22, 2020;
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- Centex served its first supplemental disclosures on April 23, 2020;
- Financial Pacific responded to Centex's requests for admission, requests for production and interrogatories on May 4, 2020;
- Navigators supplemented its initial disclosures on May 12, 2020;
- Centex served a second set of requests for production on Navigators on May 12, 2020;
- Financial Pacific served requests for admission, requests for production and interrogatories on Centex on May 28, 2020;
- Ironshore served requests for admission, requests for production and interrogatories on Centex on May 29, 2020;
- Navigators responded to Centex's second set of requests for production on June 9, 2020;
- Zurich responded to Centex's requests for admission, requests for production and interrogatories on June 16, 2020;
- Centex responded to Financial Pacific's requests for admission, requests for production and interrogatories on June 29, 2020;
- Centex served its second supplemental disclosure on June 29, 2020;
- Navigators served requests for admission, requests for production and interrogatories on Centex on July 13, 2020; and
- Navigators responded to Centex's requests for admission and requests for production on July 13, 2020.

2. Discovery That Remains to be Completed

If the case is not resolved, the Parties must complete the following discovery:

- The Parties will disclose expert witnesses and produce expert reports and possibly rebuttal reports to any expert report produced by other parties;
- Defendants will serve written discovery and follow-up written discovery, including Interrogatories, Requests for Production and Requests for Admissions on Centex and

one another;

- Defendants will take the depositions of Rule 30(b)(6) witnesses, other percipient witnesses, and expert witnesses of Centex and each other;
- The Parties will respond to the outstanding written discovery requests and issue any appropriate further written discovery;
- Centex will take the depositions of the Rule 30(b)(6) witnesses for all Defendants;
- Centex will take the depositions of any and all claim adjusters identified by any of the Defendants; and
- Centex will take the depositions of expert disclosed by the Defendants.

3. **Reasons Why Remaining Discovery Was Not Completed**

Discovery has not been completed because the Parties have shifted their focus towards settlement, negotiation and drafting settlement agreements. The Parties have made substantial progress towards resolving the case after completing mediation. Centex has finalized settlements with five defendants and continues to have meaningful negotiations with the remaining six defendants. Although the Parties anticipate settlement within the next 60 days, the Parties will not be able to settle the case before expert and rebuttal reports are due. The Parties' time, attention, and resources would be better spent focusing on settlement rather than incurring additional costs that may delay resolution.

4. **Proposed Schedule for Completing All Remaining Discovery**

The Parties hereby stipulate to the following schedule for completing all remaining discovery:

Discovery Cut-Off Date.

The amended discovery cut-off date is **December 14, 2020.**

Fed. R. Civ. P. 26(a)(2) Disclosure (Experts).

Disclosures identifying experts and final expert reports shall be made by **October 15, 2020.** This is 60 days before the discovery cut-off date. Rebuttal expert disclosures shall be made

by **November 16, 2020**, which is the next business day after 30 days from the initial disclosure of experts.

Interim Status Report.

The Parties shall have until **October 15, 2020** to file their interim status report.

Dispositive Motions.

The parties shall have until **January 13, 2021** to file dispositive motions, which is 30 days after the close of discovery.

Joint Pretrial Order.

The parties shall have until **February 12, 2021** to file the joint pretrial order.

<p>Dated: July 24, 2020</p> <p>PAYNE & FEARS LLP</p> <p>By: <u>/s/ Sarah J. Odia</u> Scott S. Thomas, Esq. Sarah J. Odia, Esq. 6385 S. Rainbow Blvd., Suite 220 Las Vegas, NV 89118 Telephone: (702) 851-0300</p> <p>Attorneys for Plaintiff CENTEX HOMES</p>	<p>Dated: July 24, 2020</p> <p>BARRETT & MATURA, P.C.</p> <p>By: <u>/s/ Kevin C. Barrett</u> Kevin C. Barrett, Esq. 7575 Vegas Drive, Suite 150C Las Vegas, NV 89128 Telephone: (702) 833-1033</p> <p>Attorney for Defendant NAVIGATORS SPECIALTY INSURANCE COMPANY</p>
<p>Dated: July 24, 2020</p> <p>WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP</p> <p>By: <u>/s/ Chad Butterfield</u> Chad Butterfield, Esq. 300 South Fourth Street, 11th Floor Las Vegas, NV 89101 Telephone: (702) 727-1400</p> <p>Attorney for Defendant GREENWICH INSURANCE COMPANY</p>	<p>Dated: July 24, 2020</p> <p>WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP</p> <p>By: <u>/s/ John Podesta</u> John Podesta, Esq. 300 South Fourth Street, 11th Floor Las Vegas, NV 89101 Telephone: (702) 727-1400</p> <p>Attorney for Defendant IRONSHORE SPECIALTY INSURANCE</p>

(Signatures continued on the next page)

<p>Dated: July 24, 2020</p> <p>LEWIS BRISBOIS BISGAARD & SMITH LLP</p> <p>By: <u>/s/ Robert Freeman, Jr.</u> Robert Freeman, Jr., Esq. Priscilla Louise O'Briant, Esq. 6385 S. Rainbow Blvd., Suite 600 Las Vegas, NV 89118 Telephone: (702) 893-3383</p> <p>Attorneys for Defendant SCOTTSDALE INDEMNITY GROUP</p>	<p>Dated: July 24, 2020</p> <p>GRAD LAW FIRM</p> <p>By: <u>/s/ Laleaque Grad</u> Laleaque Grad, Esq. 8275 S. Eastern Avenue, Suite 200-352 Las Vegas, NV 89123 Telephone: (702) 990-8387</p> <p>Attorney for Defendant FIRST SPECIALTY INSURANCE CORPORATION</p>
<p>Dated: July 24, 2020</p> <p>MORALES, FIERRO & REEVES</p> <p>By: <u>/s/ William C. Reeves</u> William C. Reeves, Esq. 600 S. Tonopah Drive, Suite 300 Las Vegas, NV 89106 Telephone: (702) 699-7822</p> <p>Attorney for Defendant ST. PAUL FIRE & MARINE INSURANCE COMPANY</p>	<p>Dated: July 24, 2020</p> <p>NICOLAIDES FINK THORPE MICHAELIDES SULLIVAN, LLP</p> <p>By: <u>/s/ Jeff Labovitch</u> Jeff Labovitch, Esq. 4365 Executive Drive, Suite 950 San Diego, CA 92121 Telephone: (858) 257-0700</p> <p>Attorney for Defendant LEXINGTON INSURANCE COMPANY</p>
<p>Dated: July 24, 2020</p> <p>MORALES, FIERRO & REEVES</p> <p>By: <u>/s/ Ramiro Morales</u> Ramiro Morales, Esq. 600 S. Tonopah Drive, Suite 300 Las Vegas, NV 89106 Telephone: (702) 699-7822</p> <p>Attorney for Defendant ZURICH AMERICAN INSURANCE COMPANY</p>	<p>Dated: July 24, 2020</p> <p>YARON & ASSOCIATES</p> <p>By: <u>/s/ George Yaron</u> George Yaron, Esq. 1300 Clay Street, Suite 800 Oakland, CA 94612 Telephone: (415) 658-2929</p> <p>Attorney for Defendant FINANCIAL PACIFIC INSURANCE COMPANY</p>

(Signatures continued on the next page)

1 Dated: July 24, 2020

2 SHIVES & ASSOCIATES LIMITED

3 By: /s/ Martin L. Shives

4 Martin L. Shives, Esq.
7473 W. Lake Mead Blvd., Suite 100
5 Las Vegas, NV 89128
Telephone: (702) 562-8188

6 Attorney for Defendant NATIONAL FIRE &
7 MARINE INSURANCE COMPANY

8
9
10 **ORDER**

11 IT IS SO ORDERED.

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13 DATED: July 27, 2020

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17 UNITED STATES MAGISTRATE JUDGE
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